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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,462	01/15/2002	Terry Michael Schaffner	005168.P009	6087
40418	7590	11/09/2005	EXAMINER MEHRA, INDER P	
HEIMLICH LAW 5952 DIAL WAY SAN JOSE, CA 95129			ART UNIT 2666	
PAPER NUMBER				

DATE MAILED: 11/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/050,462	Applicant(s) SCHAFFNER, TERRY MICHAEL	
	Examiner Inder P. Mehra	Art Unit 2666	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20-55 is/are allowed.
- 6) ☐ Claim(s) 1,2,4-10,12-15,17 and 18 is/are rejected.
- 7) ☒ Claim(s) 3,11,16 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/15/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is in response to application dated: 1/15/02.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 5 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 5 is not supported by specifications. Please identify page and line number of specifications, where this limitation is described.

Appropriate action /clarification is required..

Information Disclosure Statement

4. The information disclosure statement filed 1/15/2002 has been considered.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claim 1, 4, 6, 9, 14 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by

Smee et al. (US Patent No. 6,522,683), hereinafter, called Smee.

For claims 1, 4, 6, 9, 14 and 17, Smee discloses, in reference to fig. 2, a method comprising'

receiving input data 202;

scrambling the input data (interleaving 206);

modulating the scrambled input data (MOD 208);

spreading the modulated scrambled input data with a Walsh code to create Walsh chips 218; and

spreading each Walsh chip with a pseudonoise (PN) sequence (PN spreader 226) creating an output signal 230, **as also recited by claims 4 and 6**, (refer to col. 5 line 55 through col. 9 line 15.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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8. Claims 2, 5, 10 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Smee, as above**, in view of **Feria et al** (US Patent application Publication No 2005/0169295), hereinafter, called Yun.

For claims 2, 5, 10 and 15, Smee discloses all the limitations of subject matter, with the exception of the following limitations, which are disclosed by Feria, as follows:

- “wherein the Walsh code is 2^{N-1} where N is the bit length of the Walsh code”, refer to paragraph 0017.

It would have been obvious to the person of ordinary skill in the art at the time the invention to use the capability of “Walsh code is 2^{N-1} where N is the bit length of the Walsh code”, as taught by Feria. The capability can be incorporating in Walsh code generator. The motivation for using this capability to align to Walsh sequence and possess better correlation properties.

9. Claims 7-8 and 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Smee, as above**, in view of **Mennekens et al** (US Patent application Publication No 2004/0081077), hereinafter, called Mennekerns.

For claims 7-8 and 13, Smee discloses all the limitations of subject matter, with the exception of the following limitations, which are disclosed by Mennekerns, as follows:

- “a processor, which when executing a set of instructions performs the method of claim 1”, as recited by claim 7, refer to paragraph 0028.

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- “A machine-readable medium having stored thereon instructions, which when executed performs the method of claim 1”, **as recited by claims 8 and 13**, refer to paragraph 0028.

It would have been obvious to the person of ordinary skill in the art at the time the invention to use the capability of “a processor, and instructions, which when executing a set of instructions performs the method of claim 1”. The capability can be incorporating in Walsh code generator. The motivation for using this capability is to align to Walsh sequence and posses better correlation properties.

10. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Smee, as above**, in view of **Spock** (US Patent No 5,903,550).

For claim 12, Smee discloses all the limitations of subject matter, with the exception of the following limitations, which are disclosed by Spock, as follows:

- “implemented by an integrated circuit (IC)”, refer to col. 9 lines 60-65.

It would have been obvious to the person of ordinary skill in the art at the time the invention to use the capability of “implemented by an integrated circuit (IC)”. The capability can be incorporating in Walsh code generator. The motivation for using this capability is to align to Walsh sequence and posses better correlation properties.

Allowable Subject Matter

11. Claims 20-55 are allowed.

REASONS FOR ALLOWANCE

12. Claims 3, 11, 16 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Prior Art of Record

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- **Yun et al** (US Patent Application No. 2005/0169295) discloses a mobile communication system in which an access terminal transmits to an access network DRC information.

Conclusion

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Inder P. Mehra whose telephone number is 571-272-3170. The examiner can normally be reached on Monday through Friday from 8AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Inder Pal Mehra

Inder P Mehra

Examiner

Art Unit 2666

11/4/05



DANGTON
PRIMARY EXAMINER